IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff-Respondent, No. CV 16-967 JH/GF
CR 13-3143 JH

vs.

RICHARD A. ARCHULETA,

Defendant-Movant.

MOTION FOR EXTENSION OF TIME TO RESPOND TO MOTION TO CORRECT SENTENCE PURSUANT TO 28 U.S.C. § 2255 (CV DOC. 1)

The United States hereby moves the Court for an extension of time to respond to Defendant's Motion to Correct Sentence Pursuant to 28 U.S.C. § 2255 (the "Motion") (CV Doc. 1), and as grounds therefor states as follows:

1. On September 24, 2015, a judgment was entered against the Defendant for his conviction for being a felon in possession of a firearm and ammunition. He was sentenced to 92 months of imprisonment. To date, his sentence has not exceeded any type of statutory maximum, and his § 2255 motion is not of the *Johnson* § 2255 variety. Rather, his arguments are of the traditional ineffective assistance sort.

2. Undersigned counsel requests an extension of time within which to respond to the Motion for the following reasons.

3. Counsel has numerous § 2255 motions as well as a multitude of cases that are pending trial. Counsel could thus use additional time to respond to Defendant's motion.

4. Defendant is currently not represented by counsel, and due to his incarceration he was not contacted regarding this request for an extension.

5. Therefore, counsel respectfully requests a 60-day extension of time, up to and including Friday, December 23, 2016, within which to file the United States' response to the Defendant-Movant's Motion.

6. A proposed Order granting the requested extension will be forwarded to the Court for its convenience.

WHEREFORE, the United States respectfully requests that this Court enter an order granting the United States' request for an extension of time, up to and including Friday, December 23, 2016, within which to respond to the Defendant-Movant's Motion to Correct Sentence Pursuant to 28 U.S.C. § 2255 (CV Doc. 1).

Respectfully submitted,

DAMON P. MARTINEZ
United States Attorney

/s/ Electronically filed on 10/19/2016
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I hereby certify that on October 19, 2016, the foregoing was mailed to the Defendant's BOP location in Tucson, Arizon.

Electronically filed on 10/19/2016
DAVID M. WALSH
Assistant United States Attorney